



CECIL COUNTY GOVERNMENT  
129 East Main Street  
Elkton, Maryland 21921

34232

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(410) 996-5201

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Second District

June 3, 1996

Sarah L. Caspar, OSC  
U. S. Environmental Protection Agency  
Region III  
841 Chestnut Building  
Philadelphia, PA 19107-4431

RE: Galaxy/Spectron Site

Dear Ms. Caspar:

Per our conversation of June 3rd, the following is a letter from Paul Mraz to this office requesting information on the feasibility of subdividing the Spectron property. Could you please respond in writing as to the position of your office relative to the request.

If you have any questions, please do not hesitate to call.

Very truly yours,

Christopher Rogers  
Principal Planner

CR/pn

Enclosures

X-32F3 - Call at 10:45 AM 6/3/96 - Call

TO: Sara Caspar	FROM: Chris Rogers	DATE: 6/3/96
FAX #: 215-566-3004	FAX #: 410-996-5305	PHONE #: 996-5220 4

Reply To:

Office of Planning & Zoning  
129 East Main Street, Room 300  
Elkton, Maryland 21921-5935

(410) 996-5220 - Planning  
(410) 996-5225 - Zoning  
(410) 996-5305 - FAX

LAW OFFICES  
**PAUL J. MRAZ**  
ATTORNEY AT LAW, P.A.  
143 EAST MAIN STREET  
ELKTON, MARYLAND 21921

(410) 398-3200  
FAX (410) 398-4115

May 29, 1996

Department of Planning & Zoning  
Courthouse Building  
Elkton, Maryland 21921  
Attn: Albert Wein, Director

Re: Subdivision of Parcel 349, Map 13, Providence

Dear Mr. Wein:

I have employed Michael S. McAllister, Surveyor, to prepare my request for minor subdivision of Parcel 349 on Tax Map 13 creating two parcels - one on the east side of Little Elk Creek comprising about one acre and one on the west side of Little Elk Creek comprising about 6.3 acres. (See enclosures) The larger west side parcel contains several large manufacturing buildings and is listed as a Superfund Site under CERCLA on the National Priorities List and is involved in a major remediation program. The east side parcel is uncontaminated and contains only one building and a drilled well for water for domestic use and an established septic tank system approved by the Health Department in or about 1982 after successful conduct of a fluorescein tracing test.

Mr. McAllister anticipates a problem from your department in my obtaining a subdivision approval because of the belief the entire parcel is in the mapped 100 year flood plain (or 50 year flood plain) zone. That the eastern one acre sub-parcel is not in the 100 year or 50 year flood plain appears to be of no relevance if the mapping erroneously shows it as such.<sup>1</sup> But even if it were in the flood plain the rationale for refusing to subdivide parcels for platting purposes, tax assessment, and convenient alienation of property escapes me. Given the need to obtain building permits,

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<sup>1</sup> In or about 1980, the Circuit Court of Cecil County found that the property was not in the 100 year flood plain after extensive litigation and eyewitness testimony on this point. What the maps had failed to take into account was that the former occupier of the land had built up the surface of the land with many feet of ash and cinders over sixty years from the large coal-fired boilers once used to power the papermill operating there.

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occupancy permits, zoning certificates, and clearance from the critical areas commission before constructing or using waterfront land how can the existence of a line on a plat and a separate entry in the assessment and tax records detrimentally affect in the slightest the preservation of the environment, both aesthetically and ecologically, especially when I or a subsequent owner could legally occupy the existing building on the eastern subparcel now without subdivision or even health department approval.

On the other hand, the compelling reason for subdividing the parcel is that unless it is done the owner, and/or the public, will never be able to buy or sell, restore appearance, return to the tax rolls, or use the eastern sub-parcel. Even though the western side was declared a superfund site in 1988 there is not even yet a comprehensive preliminary remediation scheme prepared for submittal to the EPA. The western subparcel will not be suitable for reuse during our lifetime.

In light of the above and the information in the footnote, please direct my attention to those laws or regulations, if any, which would prohibit your department from approving any such subdivision of my land.

Yours truly,

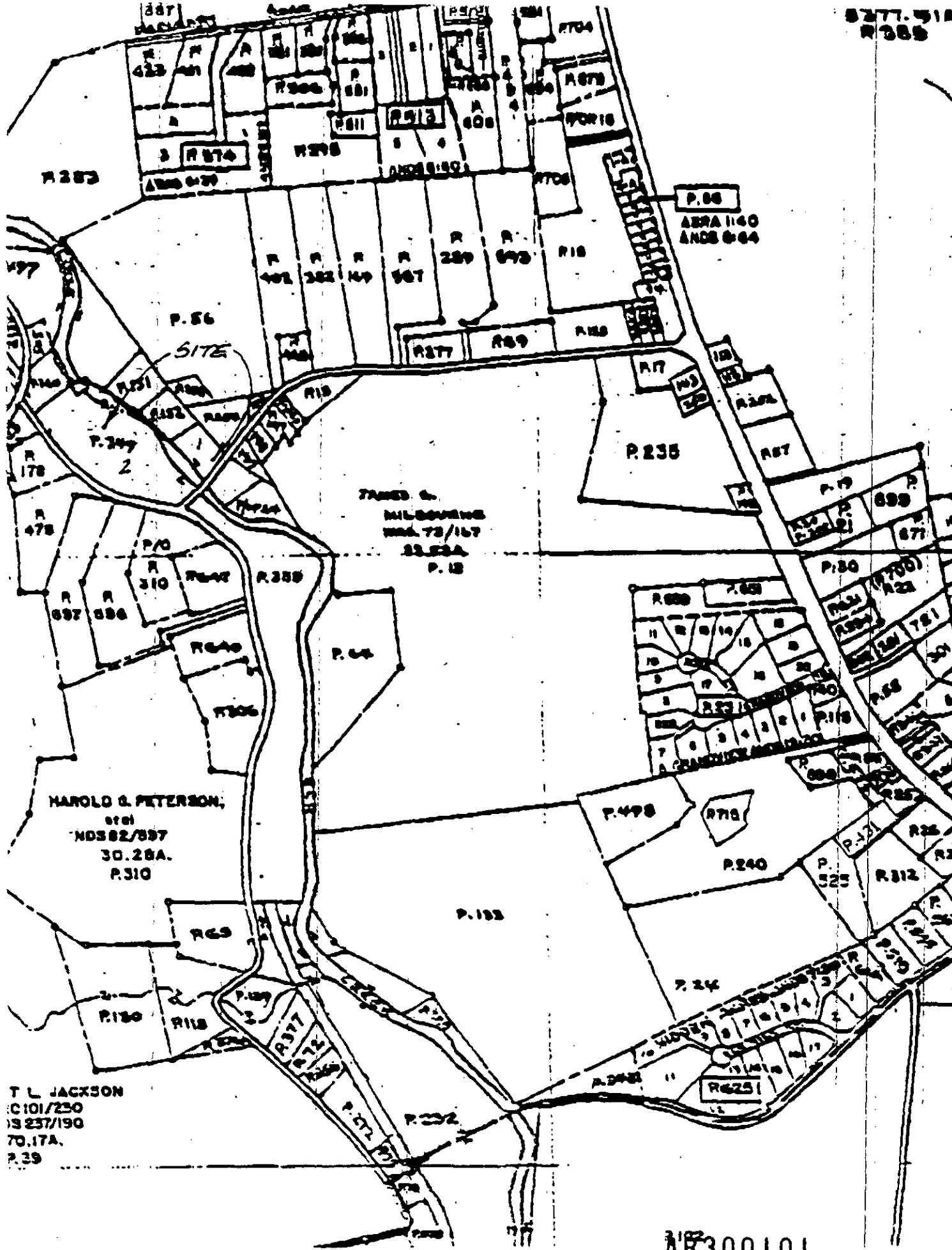


Paul J. Mraz

Enclosures

Copy to: Michael S. McAllister

PJM/clg



5277.512  
P. 355

T L JACKSON  
C101/230  
S 237/190  
70.17A.  
P. 39

HAROLD G. PETERSON,  
et al  
NDS 82/897  
30.28A.  
P. 310

JAMES G.  
MILBOURN  
NDS 78/167  
22.28A.  
P. 12

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